

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**DANIEL CORTEZ,** )  
                                )  
**Petitioner,**             )  
                                )  
v.                            )       **CIV-07-1195-R**  
                                )  
**DONNA LAYMON,**        )  
                                )  
**Respondents.**           )

**O R D E R**

Before the Court are the Report and Recommendation of United States Magistrate Judge Robert E. Bacharach entered February 14, 2008 [Doc. No. 19] and Petitioner's Objection filed March 4, 2008 [Doc. No. 20].

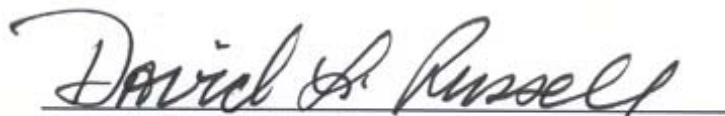
Petitioner's Objection is incomprehensible and/or irrelevant in large part. Petitioner did not raise a Fourth Amendment or due process claim relating to the State having forcibly drawn blood from the Petitioner in his petition for a writ of habeas corpus. The fact that Petitioner was driving a vehicle at the time he caused the death of another did not dictate the prosecutor's charging decision. The Court does not understand how Petitioner's status as a first-time offender is relevant to any of the claims herein and Petitioner does not explain.

In accordance with the foregoing, the Court finds that Petitioner's Objections to the Report and Recommendation as they pertain to his habeas claims to be irrelevant and without merit.

Petitioner also objects to the Report and Recommendation of the Magistrate Judge insofar as it recommends that Petitioner's requests for expansion of the record be denied. He states that because he is proceeding *pro se* he "must be afforded all evidence that would be supportive to his defense" including evidence that the motorcycle driver and/or the victim were at fault for what he maintains was an "accident." However, the Court agrees with the Magistrate Judge that because "Petitioner's claims are invalid on their merits, and Mr. Cortez has not pointed to anything in the additional documents that would bear on his right to habeas relief," Report and Recommendation at p. 12, Petitioner's Objection to the Report and Recommendation is without merit and his requests for expansion of the record must be denied.

In accordance with the foregoing, the Report and Recommendation of the Magistrate Judge is ADOPTED, Petitioner's requests for expansion of the record are DENIED and the 28 U.S.C. § 2254 petition for a writ of habeas corpus is DENIED.

IT IS SO ORDERED this 6<sup>th</sup> day of March, 2008.

  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE